

IN THE CLAIMS:

Please cancel Claims 8, 56, 57 and 61-64 without prejudice or disclaimer of the subject matter contained therein.

Please amend the pending claims as follows:

~~56~~ (Twice Amended) A food product, as claimed in Claim 1, wherein said food product is extruded to manipulate by degree of cell rupture the bioavailability of omega-3 highly unsaturated fatty acids contained in said microorganisms.

~~53~~ (Once Amended) A food product, as claimed in Claim 1, wherein said food product is extruded to [manipulate the resistance of] help prevent oxygen from readily reaching the omega-3 highly unsaturated fatty acids [to oxidation].

~~54~~ (Once Amended) A food product, as claimed in Claim 1, wherein said microorganisms [are] have been cultured in a medium comprising a sodium concentration [up to] less than about 6.58 g/l.

~~55~~ (Once Amended) A food product, as claimed in Claim 1, wherein said microorganisms [are] have been cultured in a medium comprising a sodium concentration [up to] less than about 4.61 g/l.

~~58~~ (Once Amended) A food product, comprising:

a) a source of omega-3 highly unsaturated fatty acids selected from the group consisting of microorganisms from the order Thraustochytriales, omega-3 highly unsaturated fatty acids extracted from said microorganisms, and mixtures thereof; and

b) food material,
wherein said microorganisms [are] have been cultured in a medium comprising a sodium concentration [up to] less than about 6.58 g/l.

b3 59. (Once Amended) A food product, as claimed in Claim 58, wherein said microorganisms [are] have been cultured in a medium comprising a sodium concentration [up to] less than about 4.61 g/l.

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Please add the following claims:

65. A food product, as claimed in Claim 1, wherein said microorganisms are selected from the group consisting of microorganisms of the genus Thraustochytrium, microorganisms of the genus Schizochytrium, and mixtures thereof.

66. A food product, as claimed in Claim 1, wherein said microorganisms are selected from the group consisting of Schizochytrium having the identifying characteristics of ATCC Accession No. 20888 and mutant strains derived therefrom, 5 Schizochytrium having the identifying characteristics of ATCC Accession No. 20889 and mutant strains derived therefrom, Thraustochytrium having the identifying characteristics of ATCC Accession No. 20890 and mutant strains derived therefrom, Thraustochytrium having the identifying characteristics of 10 ATCC Accession No. 20891 and mutant strains derived therefrom, and Thraustochytrium having the identifying characteristics of ATCC Accession No. 20892 and mutant strains derived therefrom.

67. A food product, as claimed in Claim 58, wherein said microorganisms are selected from the group consisting of Schizochytrium having the identifying characteristics of ATCC Accession No. 20888 and mutant strains derived therefrom, 5 Schizochytrium having the identifying characteristics of ATCC Accession No. 20889 and mutant strains derived therefrom, Thraustochytrium having the identifying characteristics of ATCC Accession No. 20890 and mutant strains derived therefrom, Thraustochytrium having the identifying characteristics of 10 ATCC Accession No. 20891 and mutant strains derived therefrom,

B4 D3 and Thraustochytrium having the identifying characteristics of ATCC Accession No. 20892 and mutant strains derived therefrom.

REMARKS

Applicant notes that the above-identified application was granted special status on January 22, 1991, and is subject to expedited review.

Applicant thanks Supervisor Douglas Robinson for extending the courtesy of a telephone conference on August 26, 1991, with Applicant's attorney, Michael Tompkins. At that time, Mr. Tompkins discussed with Supervisory Examiner Robinson the granting of an interview. However, Supervisory Examiner Robinson indicated that there were several issues to consider and that he would prefer a written record in the form of an Amendment and Response instead of an interview. Accordingly, Applicant submits this Amendment and Response and requests consideration and entry of the same.

Applicant submits that the present invention, as defined by the amended claims submitted herewith and with the Amendment and Response filed with the U.S. Patent Office by certificate of mailing procedure on May 20, 1991, is supported in the grandparent application of the above-identified application, namely, Serial No. 07/241,140, which was filed September 7, 1988. More specifically, support for the claims directed toward whole cell microorganisms can be found in the application of Serial No. 07/241,140 at page 11, lines 17-20. Support for the claims directed toward the use of whole cell microorganisms which have been cultured in a low salinity medium can be found in the application of Serial No. 07/241,140 at page 14, lines 6-18; page 18, lines 17-21; page 28, lines 14-22; page 50, line 11 to page 52, line 4; and Figure 7.

Applicant respectfully submits that the Long reference cited by the Examiner is not prior art. Specifically, the Long reference is a PCT patent application which bears an international